IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 2565 of 2002

Between:

P.Munikrishnaiah s/o Chengalrayan Chetty

Aged about 70 years, R/o Park Street, Sullurpet,

Nellore district.

..... PETITIONER

And

1.The Government of India, rep. by its Secretary,

Industries & Commerce, New Delhi.

2. The Govt. of A.P., rep. by its Principal Secretary,

Industries & Commerce (MI) Department, Secretariat, Hyderabad.

3. The Director of Mines & Geology, Govt. of A.P., Sri BRKR Bhavan,

Tank Bund Road, Hyderabad.

4. The Deputy Director of Mines & Geology, Guntur, Guntur District.

5. The Assistant Director of Mines & Geology, Nellore, Nellore District.

6. The Principal Chief Conservator of Forests, Govt. of A.P.,Hyderabad.

7. The Divisional Forest Officer, Sullurpet, Nellore District.

8. The Inspector of Survey & Land Records, Nellore, Nellore district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ of Mandamus or any other appropriate writ, order or direction declaring the G.O.Ms.No.609 Industries & Commerce (MI) Department dated 22-12-2001 issued by the Government of A.P., 2nd respondent herein as illegal, arbitrary, unreasonable and violative of Articles 14, 19 (1)(g) and 300-A of the Constitution of India and Principles of natural justice besides being opposed to the very spirit and object of the provisions of the Mines and Mineral (Regulation and Development) Act, 1957 and the Mineral Concession Rules, 1960.

Counsel for the Petitioner: MR.A.V.SESHA SAI, Advocate.

Counsel for Respondent Nos.2,3,4,5: Govt. Pleader for Industries & Commerce.

Counsel for Respondent Nos.6,7: Govt. Pleader for Forests.

Counsel for Respondent No.1: Standing Counsel for Central Government.

Counsel for Respondent No.8 : -----

The Court made the following :

Oral Order:

Learned counsel for the petitioner submits that the cause in the writ petitioner does not survive, as the sole petitioner expired and, therefore, legal representatives of the sole petitioner may be permitted to make a representation to the authorities for lifting the lime-shell extracted, if any. The legal representatives are at liberty to do so. If any such representation is made, it is for the authorities to consider the same and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

06-07-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Secretary, Industries & Commerce Department, Govt. of India, New Delhi.

2. The Principal Secretary, Govt. of A.P., Industries & Commerce (MI) Department, Secretariat, Hyderabad.

3. The Director of Mines & Geology, Govt. of A.P., Sri BRKR Bhavan,

Tank Bund Road, Hyderabad.

4. The Deputy Director of Mines & Geology, Guntur, Guntur District.

5. The Assistant Director of Mines & Geology, Nellore, Nellore District.

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7. The Divisional Forest Officer, Sullurpet, Nellore District.

8. The Inspector of Survey & Land Records, Nellore, Nellore district.

9. Two CCs to the Govt. Pleader for Industries, High Court Bldgs., Hyd.(OUT)

10.Two CCs to the Govt. Pleader for Forests, High Court Bldgs.,Hyd.(OUT)

11.Two CD copies.

12. One spare copy.